

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**In re: BINGTUAN YIN and  
XIANGLING KONG  
Debtors**

**Case No. 21-10653-KHK**

**Chapter 7**

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**TRINA BENGTTSSON**

**Plaintiff,**

**v.**

**Adv. Pro. No. 21-01043-KHK**

**BINGTUAN YIN and  
XIANGLING KONG,**

**Defendants.**

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**ANSWER TO COMPLAINT FOR DETERMINATION OF DISCHARGE OF DEBT**

COMES NOW, Bingtuan Yin and Xiangling Kong (“Defendants” or “Debtors”), by counsel, and files their Answer to the Complaint for Determination of Discharge of Debt filed by Trina Bengtsson (“Plaintiff”), and states as follows:

**PRELIMINARY STATEMENT**

1. Admit that Plaintiff obtained a judgment against the Defendants in Washington state court. Admit that the Plaintiff was awarded fees and costs by the Virginia State Court. All other allegations are denied as characterized.
2. Admit that no amounts have been paid to the Plaintiff outside of amounts recovered by garnishment.
3. Admit.

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**THE PARTIES**

4. Admit.

5. Admit.

**JURISDICTION AND VENUE**

6. Admit.

7. Admit.

8. Admit.

9. Admit.

**RELEVANT FACTS**

10. Admit.

11. Defendants are without sufficient information to admit or deny the allegations contained herein and to the extent a response is required, it is denied. Deny that any of the facts as alleged constitute willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).

12. Defendants are without sufficient knowledge to admit or deny the allegations contained herein and to the extent a response is required it is denied. Deny that any of the facts as alleged constitute willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).

13. Admit.

14. Admit.

15. The Jury Instructions speak for themselves. However, it is Denied that these instructions provide a basis for finding of willful and malicious injury pursuant to

11 U.S.C. 523(a)(6).

16. Admit that the copy of the Special Verdict Form attached as Exhibit C is a true and correct copy and it speaks for itself. Deny that this provides a basis for a finding willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).
17. Admit that the copy of the Judgement attached as Exhibit D appears to be a true and correct copy and it speaks for itself. Deny that this Judgment provides any basis for a finding of willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).
18. Admit that he copy of the Supplemental Judgement attached as Exhibit E appears to be a true and correct copy and speaks for itself. Deny that his Supplemental Judgment provides any basis for a finding of willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).
19. Admit that attached to Supplemental Judgment is the Washington Court's Amended Findings of Fact and Conclusions of Law Awarding Plaintiff Attorney fees, Costs, and Offset for Adverse Tax Consequences and Interest. This document speaks for itself. Deny that these Amended Findings of the Court provide any basis for a finding of willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).
20. Admit.
21. Admit that the copy of the published opinion of the Appeals Court is attached as Exhibit F. Deny that the ruling of the Appeals Court provides any basis for a finding of willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).
22. Admit that the copy of the Second Supplemental Judgment is attached as Exhibit G. The Exhibit speaks for itself. Deny that this Supplemental Judgment provides

any basis for a finding of willful and malicious injury pursuant to 11 U.S.C. 523(a)(6).

23. Admit.

24. Admit.

25. Admit.

26. Defendants are without sufficient information to admit or deny whether Plaintiff had exhausted collection efforts in Washington and to the extent a response is required, this allegation is denied. Admit that the Plaintiff domesticated the Judgement in Fairfax County.

27. Admit.

28. Admit the factual allegations. However, this admission does not waive any defenses to the Show Cause should it be conducted by the Fairfax Circuit Court in the future. Further, any characterization that any facts leading to the Show Cause constitute willful and malicious injury pursuant to 11 U.S.C. 523(a)(6) are specifically denied.

29. Admit.

30. Admit.

31. Admit.

32. Admit.

33. Admit.

### **COUNT I**

34. The Defendants restate and incorporate herein their responses to the allegations set forth in Paragraphs 1 through 33.

35. This paragraph restates statutory language of the Bankruptcy Code and no

response is required. To the extent a response is required, it is denied that the claim of the Plaintiff constitutes a willful and malicious injury by pursuant to 11 U.S.C. 523(a)(6).

36. Deny.

37. Deny.

38. Deny.

39. Defendants are without sufficient information to admit or deny the amount of the claim of Plaintiff pursuant to her judgments. To the extent a response is required, it is denied and strict proof of the amount of the claim is demanded. It is specifically denied that any amount of the Plaintiff's judgments and claims constitute willful and malicious injury pursuant to 11 U.S.C. 523(a)(6) and is non-dischargeable..

40. Deny that the findings and rulings of the Washington Court and Fairfax Court are entitled to collateral estoppel effect on the issue of willful and malicious injury pursuant to 11 U.S.C. 523(a)(6) and deny that those findings and rulings provide a basis for determining the debt to be non-dischargeable.

WHEREFORE, Defendants pray that the Plaintiff's Complaint be dismissed and for such other and further relief the Court may deem just and proper.

**BINGTUAN YIN**  
**XIANGLING KONG**  
By Counsel:

/s/ Barry W. Spear  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Answer was sent via CM/ECF to Andrea Campbell Davison, Counsel for Plaintiff, on September 3, 2021.

/s/ Barry W. Spear  
Counsel for Defendants/Debtors